

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., et al, )

Defendants. )

4:05-CV-00329-TCK-SAJ

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THE DEPOSITION OF GABRIEL

TIMBY, produced as a witness on behalf of the  
Plaintiff in the above styled and numbered cause,  
taken on the 12th day of November, 2007, in the City  
of Fayetteville, County of Washington, State of  
Arkansas, before me, Lisa A. Steinmeyer, a Certified  
Shorthand Reporter, duly certified under and by  
virtue of the laws of the State of Oklahoma.

1 try not to lose it, but these are not very good  
2 databases, and to achieve some of the reports that  
3 we have to do, we've had to purge some of the old  
4 stuff.

5 Q So your testimony today is that you have 01:12PM  
6 produced all that TRS has in its possession and  
7 control either by way of electronic database or the  
8 hard copy that we have?

9 A Yes, sir.

10 Q What is your position with TRS? 01:12PM

11 A Regional environmental manager.

12 Q How long have you been employed by them?

13 A Four and a half years.

14 Q And have you held any other position besides  
15 regional environmental manager? 01:12PM

16 A Nope.

17 Q So the entire time you've been there, that's  
18 been your position?

19 A Yes, sir.

20 Q Let's talk a little bit about your education 01:12PM  
21 starting with high school. Tell me where you  
22 graduated from high school.

23 A Graduated from Leslie Public High School,  
24 Arkansas.

25 Q Do you have any college hours or degree? 01:13PM

1 business is that TRS performs on a regular basis.

2 A On a daily basis we go to the Benton County  
3 Foods, formerly George's Egg, Feemster Farm, and  
4 remove their liquid litter and take it to nearby  
5 fields for land application. 01:14PM

6 Q Do you do any of that same kind of work in any  
7 other states besides Arkansas?

8 A Not of litter, no, sir. Daily in all other  
9 states we deal with the food processing industry.

10 Q We'll talk about that in a minute, too. You 01:15PM  
11 referred to this as litter. Does the waste that's  
12 generated by the Benton County Foods, formerly the  
13 Feemster George's farm, produce dry or liquid waste?

14 MR. GRAVES: Object to the form.

15 A We handle liquid litter. They do produce dry 01:15PM  
16 as well.

17 Q Tell me what you mean by liquid litter when  
18 you use that term.

19 A It's 8, 9 percent solids. The rest of it is  
20 water; it's liquid. 01:15PM

21 Q What does the solids consist of?

22 A They're fecal material.

23 Q Is there any bedding materials as such in  
24 that?

25 A No, sir. The birds excrement onto the floor 01:15PM

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA

PLAINTIFF

VERSUS

CASE NO. 4:05-CV-00329 GKF(SAJ)

TYSON FOODS, INC., ET AL.

DEFENDANTS

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VIDEOTAPED 30(B)(6) DEPOSITION OF CAL-MAINE FOODS

(BOB GILMORE)

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APPEARANCES NOTED HEREIN

TAKEN AT INSTANCE OF: PLAINTIFF

DATE: OCTOBER 8, 2007

PLACE: YOUNG WILLIAMS, P.A.

210 E. CAPITOL STREET, STE 2000

JACKSON, MISSISSIPPI

TIME: 10:56 A.M.

REPORTED BY: TODD J. DAVIS

CSR #1406, RPR

WOOTTON REPORTING  
338 Indian Gate Circle  
Ridgeland, Ms 39157  
(601) 898-9990

Wootton Reporting  
601-898-9990

1 Q. All right.

2 A. There was a server there that we totally  
3 reformatted and set up specifically for our  
4 purposes.

5 Q. And does that server house the Chilson  
6 system?

7 A. No, it does not. That's -- that's the  
8 Microsoft server.

9 Q. The one you reformatted is the  
10 Microsoft?

11 A. The one we reformatted, right.

12 Q. And so the server that's housing the  
13 Chilson, is that something new that was put in  
14 place there?

15 A. Actually, we don't have a server  
16 physically located there for Chilson.

17 Q. How does it operate, that system, then?

18 A. That particular data is stored on our  
19 server in Jackson.

20 Q. Okay. So all the Chilson -- Chilson  
21 data is input at Benton County?

22 A. At Benton County and --

23 Q. Stored here in Jackson?

24 A. That's correct.

25 Q. Are -- are there capabilities to run the

1 reports directly here, or do they have to be run  
2 from Benton County?

3 A. If a person had authorization for a user  
4 name into that system, then I'm assuming they  
5 could run a report.

6 Q. Do you know of anybody have -- to your  
7 knowledge, is anybody set up to do that here in  
8 Jackson?

9 A. I'm sure somebody in the accounting  
10 department is.

11 Q. How are you sure?

12 A. I -- I remember being asked to set up  
13 one or two users that were specific to our  
14 accounting department here.

15 And when I say here, I'm talking  
16 about Jackson. Like our controller, for instance.

17 Q. All right. The Microsoft server that is  
18 also being used in Benton County Foods, is it  
19 operating only Microsoft software, or does it have  
20 others?

21 A. Yes.

22 Q. Yes, it just has Microsoft on it?

23 A. Just has Microsoft on it.

24 Q. How many users are there attached to  
25 that server, if you know?

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DEFENDANTS

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VIDEOTAPED 30(B)(6) DEPOSITION OF CAL-MAINE FOODS

(STEVE STORM)

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APPEARANCES NOTED HEREIN

TAKEN AT INSTANCE OF: PLAINTIFF

DATE: OCTOBER 8, 2007

PLACE: YOUNG WILLIAMS, P.A.

210 E. CAPITOL STREET, STE 2000

JACKSON, MISSISSIPPI

TIME: 1:06 P.M.

REPORTED BY: TODD J. DAVIS

CSR #1406, RPR

WOOTTON REPORTING

338 Indian Gate Circle

Ridgeland, Mississippi 39157

601-898-9990

Wootton Reporting  
601-898-9990

1 A. What is it?

2 Q. Cal-Maine?

3 A. Cal-Maine hasn't. But...

4 Q. Okay. Cal-Maine has acquired Benton  
5 County Foods, LLC, correct?

6 A. Benton County Foods, LLC, is --  
7 represents the acquisition of Georges commercial  
8 egg division. Cal-Maine is a majority owner in  
9 that.

10 Q. Okay. Who else owns what was the --  
11 is -- does it still go by the name Benton County  
12 Foods, LLC?

13 A. Yes.

14 Q. Okay.

15 A. And this was as of about May this year.

16 Q. Okay. Did it have that name when  
17 George's owned it?

18 A. No.

19 Q. Okay. So that entity was created by  
20 Cal-Maine Foods and some other party or parties?

21 A. Correct.

22 Q. The Benton County Foods, LLC?

23 Who are the other parties?

24 A. I think it's called PW-3, LLC. It's  
25 another company that's a party to that.

1 Q. Where does the company get its chicks?

2 A. From Cal-Maine.

3 Q. Okay. You've got a hatchery somewhere  
4 else?

5 A. Yes.

6 Q. Can you give me the number of laying  
7 hens that Benton County, LLC, has currently?

8 A. It's approximately 800,000.

9 Q. I was thinking I saw, maybe in an annual  
10 report or something, the company indicated it had  
11 acquired about a million.

12 Would that include more than just  
13 the laying hens then or...

14 A. You know, I don't -- I didn't see that,  
15 but the -- the -- the facility was originally a  
16 million bird facility. But due to the rules and  
17 regulations of animal welfare nowadays, there's  
18 less birds per house.

19 Q. You have to have larger cages or  
20 something?

21 A. So we have -- birds have more space.  
22 And in a -- in a given house, there's not as many  
23 chickens in there as there used to be.

24 Q. All right. You're referring to this as  
25 if there's one facility; am I right? Is it one

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PLAINTIFF

VERSUS

NO. 4:05-CV-00329-GKF-SAJ

TYSON FOODS, INC., ET AL.

DEFENDANTS

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VIDEOTAPED 30(B)(6) DEPOSITION OF CAL-MAINE FOODS  
STEVE STORM  
VOLUME II

\*\*\*\*\*

APPEARANCES NOTED HEREIN

TAKEN AT INSTANCE OF: PLAINTIFF  
DATE: OCTOBER 9, 2007  
PLACE: YOUNG WILLIAMS, P.A.  
210 E. JCAPITOL STREET, SUITE 2000  
JACKSON, MISSISSIPPI  
TIME: 9:00 a.m.

REPORTED BY: AMANDA M. WOOTTON, CSR, RPR

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WOOTTON REPORTING  
338 Indian Gate Circle  
Ridgeland, Mississippi 39157  
(601) 898-9990

Wootton Reporting  
601-898-9990

1           A       And they comprise -- I think  
2       there's -- there's a board that's comprised from  
3       those two companies, and then I am the  
4       operational manager of the company.

5           Q       Do you draw a salary from Benton  
6       County Foods?

7           A       I do not.

8           Q       You're -- you're solely paid by  
9       Cal-Maine Farm -- Cal-Maine Foods; is that  
10       correct?

11          A       That is correct.

12          Q       Who is on the board of Benton County  
13       Foods, then?

14          A       I believe it's -- I believe there  
15       are -- Dolph Baker, Tim Dawson and -- and I  
16       think it's Ron Whaley.

17                   BY THE COURT REPORTER: Can you  
18                   spell Whaley's last name?

19                   BY THE WITNESS: W-H-A-L-E-Y, I  
20                   think.

21       MR. GARREN: (Continuing.)

22          Q       Mr. Whaley, I think, was listed in the  
23       Cal-Maine Foods press release as a principal of  
24       Country Creek. Are you familiar with that  
25       organization?

1           A       Depends on how you define support.  
2       Perhaps southern Equipment Distributors does.

3           Q       So Southern Equipment Distributors may  
4       sell equipment, I assume, to Benton County  
5       for --

6           A       That's a purchasing arm for Cal-Maine  
7       and so Benton County may purchase certain items  
8       through them. And if that offers support, then  
9       the answer's yes.

10          Q       Okay. Any other entities provide  
11       something similar?

12          A       No.

13          Q       Am I correct in understanding that  
14       Mr. Adams on the board, that's Fred R. Adams,  
15       Jr., and Mr. Adolphus B. Baker are -- they are  
16       related, are they not?

17          A       Yes.

18          Q       And tell the Court how they're  
19       related.

20          A       Mr. Baker's wife is Mr. Adam's  
21       daughter.

22          Q       Does Mr. Baker sit on the board of  
23       Benton County Foods, LLC?

24          A       Yes.

25          Q       How long has Mr. Adams been with the

1 one farm in line to a plant.

2 Q Okay. Is it Cal-Maine's intention to  
3 grow its operations that were Georgia's  
4 commercial egg operation?

5 A I don't understand. Do we want to  
6 make it larger?

7 Q Yes, sir.

8 A At this point, it's not our intention.

9 Q Okay. I know that in the annual  
10 reports, that is one of the mission statements  
11 or goals, if you will, for Cal-Maine, is to  
12 continue to grow.

13 A Through acquisition.

14 Q And through acquisition.

15 A Primarily through acquisition.

16 Q You talked a little bit yesterday  
17 about vertical integration and I think attempted  
18 to explain a little bit how that works. Does  
19 Cal-Maine consider itself to be a vertical  
20 integrated company?

21 A I think, yes.

22 Q Does Cal-Maine own land in Oklahoma  
23 today?

24 A Benton County Foods, LLC does.

25 Q All right. And it owns --